



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Walter RUNKIS

Conf. No.: 5476

Serial No.: 09/880,322

Group Art Unit: 1616

Filed: June 13, 2001

Examiner: Abigail Fisher

For: **COMPOSITION FOR THE TREATING CELLS AND METHODS FOR
QUALITATIVELY AND QUANTITATIVELY CUSTOMIZING THE
FORMULATION THEREOF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Declaration Under 37 CFR 1.132

I, Cheng K. Wu, depose and state that:

1. I obtained a BSc in Chemical Engineering from Universidade de Campinas (Brazil) in 1982, and also obtained a MBA in Finance from New York University in 1986.
2. I am the founder and President of GroWonders Corp., a secondary macro- and micro-nutrient manufacturer. I have also developed fertilizers since 1993.
3. I am familiar with USSN 09/880,322, and also the Official Action of March 16, 2009.
4. In order to demonstrate that the stock and diluted liquid compositions of the present invention are necessarily and inherently acidic, I have conducted the following pH measurements of the compositions used as examples in the present specification.
5. The pH of each example as numbered below (same as example numbers in the present specification) was measured using Orion 520 and Sensorex electrodes.
Ex. 1 pH 1.6 (use of Ca/Mg/Mn)
Ex. 2 pH 2-3
Ex. 3 pH 1.5-2.5 (mixed fertilizer)

Ex. 4 pH 2-2.5 (use of phosphoric acid and salts)

6. In view of the above pH measurements, it is clear that both the claimed liquid compositions are acidic in nature, and that they are different from the compositions of Woodhouse in at least this regard, as the latter compositions are basic (pH > 7) in nature.
7. The bivalent sulfamates form a very low pH solution and they must be stored or mixed at that low pH with phosphates and ammonium nitrate. See also in Fisher patent examples. Usually their concentrates have pH between 1-2.
For instance, in a formulation with nitrates and phosphates (575-2Ca-1S-0.5Mg), the final pH is just 2.3, (575 stands for NPK.). It has 20 ml of phosphoric acid per liter of stock solution. When the stock solutions of the present invention are diluted, i.e., 1:250 with water, a pH of between about 3-4.5 is obtained.
8. I am also of the opinion that one skilled in the art would have had no reason to adjust the pH of any of the Woodhouse compositions to have low (acidic) pH, and that, moreover, one skilled in the art would have had no reason to expect from Woodhouse that the present compositions containing bivalent metal sulfamates would be solution stable at low pH and resistant to metallic phosphate precipitation.
9. Finally, I am of the opinion that the properties and results afforded by the present compositions are important and commercially significant.
10. The undersigned Declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Cheng K. Wu
Name

Sen Ke Cheng
Signature

August 17, 2009
Date